

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN AICEGA,

Defendant.

Case No. [07-cr-00329-SI-1](#)

**ORDER GRANTING DEFENDANT’S
RENEWED MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE**

Re: Dkt. Nos. 79-82

Defendant John Aicega has filed a renewed motion for early termination of supervised release. Mr. Aicega is currently subject to lifetime supervised release based upon his conviction for receiving and distributing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B). Mr. Aicega informs the Court that since his last motion in January 2022, he has successfully passed three consecutive polygraph examinations, he has maintained his positive behavior, and he has been law abiding. The Court has received a letter from the Probation Office, which does not take a position on Mr. Aicega’s motion, and notes that Mr. Aicega has a strong support system. The government has filed a statement that it neither opposes nor supports the motion, and the government notes that Mr. Aicega has served over 10 years of his lifetime term of supervised release.


18 U.S.C. 3583(e)(1) provides that a court may, under factors set forth in 18 U.S.C. § 3553(a) “terminate a term of supervised release ... at any time after the expiration of one year of supervised release ... if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). When determining whether the defendant’s conduct and the interest of justice warrant early termination of supervised release, the court “enjoys discretion to consider a wide range of circumstances.” *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). The burden is on the defendant, as the party receiving the benefit of early termination, to demonstrate that early termination is warranted. *United States v. Weber*, 451 F.3d

1 552, 559 n.9 (9th Cir. 2006).

2 The Court concludes that defendant has met his burden to show that early termination of
3 supervised release is warranted. Mr. Aicega successfully completed sex offender treatment, has
4 passed all polygraph examinations since his last motion was filed in January 2022, is in compliance
5 with registration requirements, and appears to have a strong and stable support network. Based
6 upon this record, the Court concludes that it is in the interest of justice to terminate supervised
7 release. Accordingly, defendant's motion is GRANTED.

8
9 **IT IS SO ORDERED.**

10
11 Dated: February 10, 2023

12 
13 _____
14 SUSAN ILLSTON
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California